

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARCUS W. DOVE,

Plaintiff,

vs.

BENTON COUNTY JAIL, SHARRON
FELTON and ROBERT GURRERO,

Defendants.

NO. CV-11-5127-EFS

**ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
DISMISSING ACTION**

By Order filed October 18, 2011, the Court directed Plaintiff Marcus Dove to either pay the \$350.00 filing fee for this action under 28 U.S.C. § 1914, or to comply with the *in forma pauperis* statute, 28 U.S.C. § 1915(a)(2). ECF No. [6](#). The District Court Executive had previously notified Mr. Dove of these requirements by letter dated August 17, 2011. ECF No. [4](#).

On October 31, 2011, the copy of the Order sent to Mr. Dove at the Benton County Jail was returned as undeliverable with the notation, "NIC," which presumably means "not in custody." ECF No. [7](#). Mr. Dove has not kept the Court apprised of his current address and has filed nothing further in this action.

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1 For the reasons set forth above and in the Court's previous Order,
2 **IT IS ORDERED:**

3 1. Plaintiff's Application to Proceed *In Forma Pauperis*, **ECF No.**
4 **1**, is **DENIED as insufficient.**

5 2. **Judgment shall be ENTERED without prejudice** in Defendants'
6 favor for Plaintiff's failure to prosecute and to comply with this
7 Court's directives under Federal Rule of Civil Procedure 41(b).

8 3. This file shall be **CLOSED.**

9 **IT IS SO ORDERED.** The District Court Executive is directed to
10 enter this Order, forward a copy to Plaintiff at his last known address,
11 and close the file. The Court certifies any appeal of this dismissal
12 would not be taken in good faith.

13 **DATED** this 15th day of November 2011.

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16 S/ Edward F. Shea
17 EDWARD F. SHEA
18 UNITED STATES DISTRICT JUDGE
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28 ORDER DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION -- 2